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8 Attorneys for the Arizona State Board of Pharmacy
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10 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**
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12 In the Matter of
13

14 **HOLIDAY RX, INC.,**

15 Holder of Pharmacy Permit No. Y005095
16 in the State of Arizona.

Board Case No. 12-0044-PHR

Complaint No. 4116

**CONSENT AGREEMENT AND
ORDER FOR REVOCATION**

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19 In the interest of a prompt and judicious settlement of this case, consistent with the
20 public interest, statutory requirements and the responsibilities of the Arizona State Board
21 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Holiday RX, holder of
22 Pharmacy Permit Number Y005095 in the State of Arizona ("Respondent"), and the
23 Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
24 ("Consent Agreement") as a final disposition of this matter.
25
26

RECITALS

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that it has a right to a public administrative hearing concerning the above-captioned matter, at which hearing it could present evidence and cross examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.

3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board.

5. Respondent understands this Consent Agreement deals with Board Complaint No. 4116 involving allegations of unethical conduct against Respondent. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

6. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

7. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

1 8. Respondent acknowledges and agrees that, upon signing this Consent
2 Agreement and returning this document to the Board's Executive Director, it may not
3 revoke its acceptance of the Consent Agreement or make any modifications to the
4 document regardless of whether the Consent Agreement has been signed by the
5 Executive Director. Any modification to this original document is ineffective and void
6 unless mutually agreed by the parties in writing.

7 9. This Consent Agreement is subject to the approval of the Board and is
8 effective only when accepted by the Board and signed by the Board's Executive Director.
9 In the event that the Board does not approve this Consent Agreement, it is withdrawn and
10 shall be of no evidentiary value and shall not be relied upon nor introduced in any action
11 by any party, except that the parties agree that should the Board reject this Consent
12 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
13 Board was prejudiced by its review and discussion of this document or any records
14 relating thereto.

15 10. If a court of competent jurisdiction rules that any part of this Consent
16 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
17 shall remain in full force and effect.

18 11. Respondent understands that this Consent Agreement is a public record that
19 may be publicly disseminated as a formal action of the Board and may be reported as
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
21 Protection Data Bank.

22 12. Respondent understands that any violation of this Consent Agreement
23 constitutes unethical conduct and may result in disciplinary action. A.R.S. §§ 32-
24 1901.01(A) and A.R.S. § 32-1927.02(A).

25 13. Respondent agrees that the Board will adopt the following Findings of Fact,
26 Conclusions of Law and Order.

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

~~1~~
~~2~~
~~3~~
~~4~~
~~5~~
~~6~~

See Attached Document
 Signature of Document Signer No. 1

L
 Signature of Document Signer No. 2 (if any)

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me

on this 4th day of Sept., 2012,
 Date Month Year

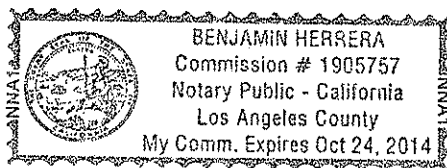
by
 (1) Terrance Holliday
 Name of Signer

proved to me on the basis of satisfactory evidence
 to be the person who appeared before me (.) (.)

(and

(2) X
 Name of Signer

proved to me on the basis of satisfactory evidence
 to be the person who appeared before me.)



Place Notary Seal Above

Signature [Signature]
 Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable
 to persons relying on the document and could prevent fraudulent removal
 and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Consent Agreement and Order
for Revocation

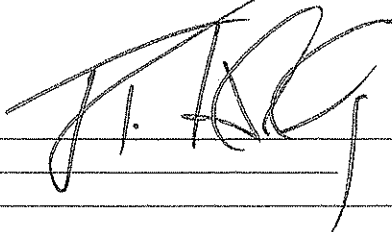
Document Date: Sept. 4, 2012 Number of Pages: 6

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here

1
2 ACCEPTED AND AGREED BY RESPONDENT

3
4 
5 _____, on behalf of Holiday RX

Dated: Sept. 4, 2012

6
7 Subscribed and sworn to before me in the County of Los Angeles, State of
8 California, this 4th day of Sept, 2012, by
9 Terrance Holladay, on behalf of Holiday RX.

10 See CA Jurat Attachment
NOTARY PUBLIC

11 My Commission expires: Oct. 24, 2014

12 FINDINGS OF FACT

13 1. The Board is the duly constituted authority for licensing and regulating the
14 practice of pharmacy in the State of Arizona.

15 2. Respondent is the holder of Pharmacy Permit Number Y005095 allowing it
16 to operate a pharmacy in Arizona.

17 3. Effective March 21, 2012, Respondent entered a Consent Agreement in
18 Case No. 12-0008-PHR with the Board placing Respondent's pharmacy permit on
19 probation for one (1) year. The terms of the probation order included a requirement that
20 on or before April 1, 2012 Respondent shall enter into a contract with Affiliated Monitors
21 or a similar organization approved by the Board for the development and implementation
22 of a Compliance and Monitoring Program as described in the Consent Agreement.
23 Another term of the probation was that Respondent shall establish and implement the
24 Compliance and Monitoring Program within thirty (30) days of the execution of the
25
26

1 Consent Agreement on March 21, 2012. Respondent was also required to provide to the
2 Board a copy of the contract it entered with the contracted monitor.

3 4. Respondent has failed to enter into a contract with a monitoring organization,
4 failed to establish and implement a Compliance and Monitoring Program and has failed
5 to provide the Board with any evidence or documents that Respondent has complied with
6 the terms of the Consent Agreement.
7

8 CONCLUSIONS OF LAW

9 1. The Board possesses jurisdiction over the subject matter and over
10 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

11 2. The Board may discipline permit holder if the Board determines that the
12 permittee or the permittee's employee has engaged in unethical conduct. A.R.S. § 32-
13 1927.02(A) (1).

14 3. The conduct and circumstances described above constitute unethical
15 conduct pursuant to A.R.S. § 32-1901.01(A)(19) (Violating a formal order, terms of
16 probation, a consent agreement or a stipulation issued or entered into by the Board or its
17 executive director pursuant to this chapter).

18 ORDER

19 Based upon the above Findings of Fact and Conclusions of Law, the Board issues
20 the following Order:

21 1. Permit No. Y005095, which was issued to Holiday RX, Inc. to operate a
22 Pharmacy in the State of Arizona is hereby revoked.

23 2. Respondent may not apply for reinstatement of this permit or apply for any
24 other license or permit from the Board for a period of two (2) years from the effective
25 date of this Consent Agreement.
26

1 DATED this 27 day of September 2012.

2 ARIZONA STATE BOARD OF PHARMACY

3 (Seal)

4
5 By:


HAL WAND, R.Ph.
Executive Director

7 ORIGINAL OF THE FOREGOING FILED
8 this 27 day of Sept., 2012 with:

9 Arizona State Board of Pharmacy
10 1616 W. Adams St.
Phoenix, Arizona 85007

11 COPY OF THE FOREGOING MAILED
12 BY CERTIFIED MAIL
13 this 27 day of Sept., 2012 to:

14 Holiday RX, Inc.
15 303 Baseline Road #103
Phoenix, Arizona 85042
Respondent

16 COPY OF THE FOREGOING MAILED
17 this 27 day of Sept., 2012 to:

18 Montgomery Lee
Assistant Attorney General
19 1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
20 Attorney for the State of Arizona

21 Doc # 2809421
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